IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13927 of 2007

Date of decision: 07.09.2007

Kuldeep Singh .....Petitioner

Versus

Bank of Baroda .....Respondent

Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. N.K.Verma, Advocate,
for the petitioner.

M.M.Kumar,J.

This petition filed under Articles 226/227 of the Constitution prays for issuance of direction to the respondent-Bank not to sell the mortgaged properties of the petitioner.

It is admitted position that notice under Section 13 (2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity the 'Act') was issued to the petitioner on 23.04.2007. Thereafter, notice under Section 13 (4) of the Act has also been issued on 26.07.2007 (Annexure P-3) although the petitioner has disputed the receipt of such notice. According to Section 17 of the Act the remedy of appeal is available to the petitioner to challenge the notice under Section 13 (4) of the Act before the Debt Recovery Tribunal. In the presence of such a remedy the writ petition cannot be entertained.

In view of the above, the instant writ petition is dismissed and we relegate the petitioner to seek remedy before the Tribunal as per law.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 07, 2007
pj